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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/516,134 | 03/01/2000 | ShaoWei Pan | CE08539R | 3918 |

22917 7590 08/28/2003

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

GESESSE, TILAHUN

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2684

DATE MAILED: 08/28/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

SM

Office Action Summary

Application No.

09/516,134

Applicant(s)

PAN ET AL.

Examiner

Tilahun B Gesesse

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. The disclosure is objected to because of the following informalities: because the specification fails to provide a related prior art patent no. (see page 5). Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

3. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Rinchiuso et al (6,144,651) “Rinchiuso”.

As to claims 1-3,7 and 9-10, Rinchiuso discloses a method for assigning a remote unit a channel within a wireless communication system (figure 1), the method comprising the steps of: receiving a plurality of uplink transmissions from a plurality of remote units (113-117) involved in a group call (column 3 lines 18-34 and figure 1),

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determining the remote unit from the plurality of remote units (113-117), wherein the remote unit is determined based on an energy of the remote unit's uplink transmission (column 4 lines 11-33), and assigning the remote unit a high-data-rate uplink channel based on the determination (column 3 lines 18-21).

As to claims 4 and 13, Rinchioso discloses assigning the remote unit a supplemental channel (column 3 lines 18-21).

As to claims 5 and 8, Rinchioso discloses receiving data from remote unit via the high data rate channel and broadcasting the data to the plurality of remote units via a high data rate downlink channel (column 3 lines 18-21).

As to claim 6, Rinchioso discloses receiving a second plurality of uplink transmission from a plurality of remote units (113-117 of figure 1) assigning a second remote unit from the plurality of remote units, wherein the remote unit is determined based on an energy of the remote unit's uplink transmission (column 4 lines 11-33), and assigning the remote unit the high data rate uplink channel based on the determination (column 4 lines 33-44).

As to claim 11, Rinchioso discloses channel circuitry having a plurality of uplink communication signals, transmitted from a plurality of remote units, as an input (188) and a logic unit (186) having a channel assignment command as an input (IGMP message 182 of fig.1), wherein the channel assignment command is a command to assign a remote unit, from the plurality of remote units (figure 2, 201-205), a high speed data channel based on the energy of the remote unit's uplink communication signal (column 3 lines 18-21 and figures 2 and 8).

As to claim 12, Rinchiuso discloses the channel circuitry is traffic channel circuitry (180 of figure 1).

As to claim 14, Rinchiuso discloses the remote unit has a highest energy of the plurality of remote units (supplemental channel or high speed data channel , column 3 lines 18-21)

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schultz (US 5,530,916) the system assigns an exclusive communication channel 106 to the two radios so that other radios in the system can't listen in on their conversation and both radios can the communicate their private call (col.3 lines 3-16 and 1).

Schultz et al (5,914,958) disclose a multicast session to group of participating members in reverse low rate links and the base broadcast outbound or forward channels then assigns reverse full rate link to one of the members (figure 5).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tilahun B Gesesse whose telephone number is 703-308-5873. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for

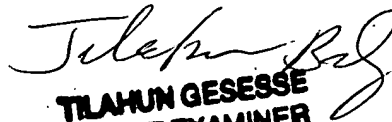
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the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

Tilahun Gesesse
Patent Examiner
Tech. Group: 2600

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TILAHUN GESESSE
PATENT EXAMINER

August 25, 2003